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**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/938,154	11/30/92	HAROLD D. M	63629380

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HM11/0824

EXAMINER	
U. M. T.	
ART UNIT	PAPER NUMBER
1646	43

DATE MAILED:

08/24/98

attached
Please find ~~below~~ a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Advisory ActionApplication No.
07/938,154Applicant(s)
Harpold et al.Examiner
John UlmGroup Art Unit
1646

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Dec 30, 1997 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Dec 30, 1997 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):

☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☒ will not be entered because:

- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Clm 53 raises new issues because all structural limits would be removed therefrom. Clm 81, no ORF depicted in SEQ 9.

- ☐ Applicant's response has overcome the following rejection(s):

- ☒ Newly proposed or amended claims see below would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: 85

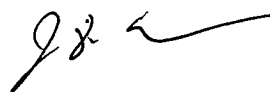
Claims objected to: 79-81, allowable if written as independant.

Claims rejected: 53, 55-63, 66-68, 70-74, 76, 77, 82-84, and 86-98

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☒ Other *Claims 68 and 70 contain unmached brackets which do not comply with Rule 1.121. Amendment contains two different clm 84s. No basis for "The eukaryotic cell of clm 107" as recited in clm 108. Same with 111. Clms 55, 56, 59, 66, 72, 79, 80, 85, 91-94, 96-98, 101-107 would be allowable if submitted separately.*


JOHN ULM
PRIMARY EXAMINER
ART UNIT 1646